

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:

ROGER J. LEYDEN ET AL.

Serial No.: 08/807,120

(U. S. Pat. 5,552,771, issued 9/3/96)

Filed: 2/19/97

RETRACTABLE SENSOR
FOR AN ALARM SYSTEM

Examiner: A. Wong

Group Art Unit: 2617

RECEIVED

AUG 02 2001

Technology Center 2600

SUPPLEMENTAL DECLARATION OF STEVEN M. KUHN

Sir:

I, Steven M. Kuhn hereby declare that:

1. I am the same Steven M. Kuhn that signed a Declaration on July 14, 1999 relating to the above-identified matter - I will refer to that Declaration as my "Original Declaration".

2. At the time I signed my Original Declaration, I had carefully reviewed all statements made therein - Many of the statements in my Original Declaration relate to my work while I was employed at OfficeMax between October, 1992 and October, 1995 - After I left OfficeMax, I did not have access to any files at OfficeMax and consequently I prepared my statements in my Original Declaration based on my best recollection of what transpired in the relevant time period;

3. I understand that my Original Declaration was submitted to the United States Patent and Trademark Office for consideration in the above-identified matter - Since signing my original Declaration, I was requested by Mr. Peter Passuntino, Vice President of Operations of Se-Kure Controls, Inc., to again review all statements in my original Declaration for accuracy, which I have done.

4. Mr. Passuntino and I worked extensively during my tenure at OfficeMax in designing displays for OfficeMax which eventually incorporated Se-Kure Control, Inc.'s device shown in Exhibit "A" hereto and identified hereinafter as "Se-Kure's Electronic Recoil Mechanism" - Towards the end of my tenure at OfficeMax, Mr. Passuntino and I conferred regularly regarding development of OfficeMax displays which I was advised by Mr. Passuntino ultimately incorporated Se-Kure's Electronic Recoil Mechanism.

5. Subsequent to signing my Original Declaration, Mr. Passuntino and I have had numerous conversations during which we attempted to develop a chronology of OfficeMax' relationship with Se-Kure Controls, Inc. and the adoption of Se-Kure's Electronic Recoil Mechanism by OfficeMax stores.

6. After refreshing my recollection, primarily through conversations with Mr. Passuntino, I am now aware that certain statements in my Original Declaration are inaccurate, though I believed at the time of the filing of my Original Declaration that the statements were accurate - I will now address the inaccuracies in my Original Declaration.

7. In paragraph 15 of my Original Declaration, I indicated that Mr. Leyden, of Se-Kure Controls, Inc., had shown me an electronic recoil mechanism like Se-Kure's Electronic Recoil Mechanism - I now recall that during my original meeting with Mr. Leyden in October of 1992, Mr. Leyden described to me Se-Kure Controls, Inc.'s existing line of products, which did not include any type of electronic recoil mechanism - The meeting with Mr. Leyden was arranged for me to become familiar with Se-Kure Controls, Inc. as an alternative source of security products for OfficeMax - OfficeMax was at that time dissatisfied with the products made available to it by its then existing suppliers, Rakan and

Protex, and the unwillingness of either of these companies to customize products for OfficeMax' needs.

8. Subsequent to October of 1992, OfficeMax, at my urging, did incorporate products of Se-Kure Controls, Inc. for its stores - The products purchased by OfficeMax were those having an electronic sensor on a cable which had a fixed length and which could not be retracted.

9. As noted in Paragraph 13 of my Original Declaration, the problem of wire management persisted at OfficeMax even using Se-Kure Controls' products, as described in the prior paragraph - The problem of entanglement of wires was somewhat mitigated by Se-Kure Controls in that Se-Kure Controls was the only supplier used at that time by OfficeMax that agreed to customize cord lengths to the display requirements for OfficeMax.

10. I do not recall the first time I saw either a prototype or a commercial version of Se-Kure's Electronic Recoil Mechanism, but I now know with certainty that it was on a date well after the summer of 1994 - I know this with certainty because after my discussions with Mr. Passuntino following the signing of my Original Declaration, I recalled that the project at OfficeMax which I worked on with Mr. Passuntino was initiated near the end of my tenure with OfficeMax in October of 1995 - Mr. Passuntino and I worked on this project for several months before I left OfficeMax.

11. The project that I am referring to at OfficeMax, referenced in the prior paragraph, involved displays wherein electronic items, such as cellular telephones, were

displayed on a vertical wall and maintained against the wall solely by the recoil force produced by Se-Kure's Electronic Recoil Mechanisms Incorporated into the displays.

12. I do recall that Se-Kure's Electronic Recoil Mechanisms did solve the aforementioned, previously unsolved, problem of wire management and that the Se-Kure's Electronic Recoil Mechanisms were very well received by me and others at OfficeMax - I do not otherwise recall the extent to which OfficeMax had committed to incorporate Se-Kure Controls' Electronic Recoil Mechanisms into its stores at the time of my departure from OfficeMax.

13. At the time I started at OfficeMax, the appearance of the OfficeMax displays and the effectiveness of the security afforded by the then used equipment was a serious problem which I was immediately instructed to address.

14. While Se-Kure Controls, Inc. was helpful in addressing the wire management problem and helping OfficeMax improve the aesthetics of its displays by providing parts that were customized in appearance and wire length, the problem of wire management persisted - Wire management is not only a problem from the standpoint of aesthetics but also introduces problems with effectiveness.

15. Se-Kure's Electronic Recoil Mechanism did in fact solve the problems contended with prior to the time of its introduction in a unique and highly effective manner.

16. Aside from the above, at this point, based on my current recollection, I believe the remainder of the statements in my Original Declaration are accurate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Steven M. Kuhn

Date 7/30, 2001